

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
GARY THOMAS STEVENS and)
MICHELLE HUETTER STEVENS,) CASE NO.: 14-69570-LRC
DEBTORS.)

MOTION TO DISMISS

COMES NOW Melissa J. Davey, Trustee in the above styled matter, and respectfully shows the

Court as follows:

1. Debtors have filed a petition for relief under Chapter 13.
2. Debtors have failed to comply with this Court's Order requiring regular monthly Plan payments. Debtors should have paid \$56,033.00. Debtors have paid a total of \$52,520.00, causing a delinquency of \$3,513.00. Debtors' Plan violates 11 U.S.C. §§ 1307(c)(1) and 1307(c)(6).
3. Debtors' Plan will exceed 60 months, in violation of 11 U.S.C. §§ 1307(c)(1) and 1307(c)(6); see also 11 U.S.C. § 1322(d).
4. In addition, Debtors failed to remit the 2016 income tax returns, or any resulting refund to the Trustee. Accordingly, Debtors are in material default of the terms of the confirmed Plan and have caused unreasonable delay that is prejudicial to the creditors. The case should be dismissed. 11 U.S.C. §§ 1307(c)(1) and 1307(c)(6). By the time this matter comes before the Court, Debtor should provide a copy of the 2017 tax return to the Trustee, and any resulting refund committed by the Debtor's Chapter 13 plan.

WHEREFORE, Trustee respectfully requests this case be dismissed.

Dated: February 15, 2018

Prepared and Presented by:


/s/

Mandy K. Campbell
Attorney for Chapter 13 Trustee
GA Bar No. 142676
260 Peachtree Street, NW, Suite 200
Atlanta, GA 30303
(678) 510-1444 Phone
(678) 510-1450 Fax

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
GARY THOMAS STEVENS and)	
)	CASE NO.: 14-69570-LRC
MICHELLE HUETTER STEVENS,)	
)	
DEBTORS.)	

NOTICE OF HEARING ON MOTION TO DISMISS

A hearing on the Chapter 13 Trustee's Motion to Dismiss will be held March 20, 2018 at 9:45 am in the Richard B. Russell Building, 75 Ted Turner Drive S.W. Courtroom 1204, Atlanta, GA 30303-3367.

All written objections shall state the grounds therefor and shall be filed with the Clerk, United States Bankruptcy Court: Richard B. Russell Building, 75 Ted Turner Drive S.W., Room 1340, Atlanta, GA 30303.

A copy of any objection should be furnished to the Chapter 13 Trustee:
Melissa J. Davey, Standing Chapter 13 Trustee, 260 Peachtree St NW, Suite 200, Atlanta, GA 30303.

Dated: February 15, 2018

Prepared and Presented by:


/s/

Mandy K. Campbell
Attorney for Chapter 13 Trustee
GA Bar No. 142676
260 Peachtree Street, NW, Suite 200
Atlanta, GA 30303
(678) 510-1444 Phone
(678) 510-1450 Fax

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
GARY THOMAS STEVENS and)	
MICHELLE HUETTER STEVENS,)	CASE NO.: 14-69570-LRC
)	
DEBTORS.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served:

DEBTOR(S):

GARY THOMAS STEVENS
MICHELLE HUETTER STEVENS
1476 FALLSBROOK COURT
ACWORTH, GA 30101

DEBTOR(S) ATTORNEY:


PURCELL LAW FIRM, P.C.
125 TOWNPARK DRIVE
SUITE 300
KENNESAW, GA 30144

with a copy of the foregoing Motion to Dismiss together with the Notice of Hearing on the Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

February 15, 2018

Prepared and Presented by:

/s/


Mandy K. Campbell
Attorney for Chapter 13 Trustee
GA Bar No. 142676
260 Peachtree Street, NW, Suite 200
Atlanta, GA 30303
(678) 510-1444 Phone
(678) 510-1450 Fax